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PART II—Section 2

GAZ-5189

Bills and Reports of Select Committees on Bills

17-10-25

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 7th August 1951:—

BILL No. 61 OF 1951

A Bill further to amend the Indian Railways Act, 1890

It enacted by Parliament as follows.—

1. Short title.—This Act may be called the Indian Railways (Amendment) Act, 1951.

2. Substitution of new section for section 108, Act IX of 1890.—For section 108 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), the following section shall be substituted, namely —

“108. *Needlessly interfering with means of communication in a train.*—(1) No passenger shall make use of the alarm chain or other device provided in a train for stopping it in an emergency, except when there is reasonable apprehension of danger to human life or of grave bodily harm to any person.

(2) If any passenger contravenes the provisions of sub-section (1), he shall be punished with fine which may extend to one hundred rupees.

3. Amendment of section 118, Act IX of 1890.—In sub-section (2) of section 118 of the principal Act, for the words “If a passenger, after being warned by a railway servant to desist, persists in travelling”, the words “If a person, other than a railway servant, travels” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to prevent indiscriminate and frivolous pulling of alarm chains in passenger trains (section 108) and to enforce prohibition of dangerous travelling by passengers on footboards, roof tops or other unauthorised places [section 118(2)].

The necessity for the amendment to section 108 arises from the fact that alarm clocks are often pulled for trivial reasons thereby upsetting train working and the existing provisions of the section are not sufficient to cater to the circumstances in which the pulling of an alarm clock may be considered reasonable.

As for section 118(2) the existing provision, which requires that before a passenger travelling in an unauthorised place can be prosecuted, he must first be formally warned by a railway servant, has not been found to be unworkable.

K. SANTHANAM

New Delhi

The 21st July 1951

BILL No. 62 OF 1951

A Bill to provide for the prevention of strikes in certain essential services.

Enacted by Parliament as follows—

1. Short title, extent and duration.—(1) This Act may be called the Essential Services (Prevention of Strikes) Act 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the 31st day of December 1952 save as respects things done or omitted to be done before that date.

2. Definitions.—In this Act—

a) 'essential service' means—

(i) any railway service,

(ii) any public road transport service carried on by means of motor vehicles,

(iii) any service or employment in a port in connection with the loading, unloading, movement or storage of goods, the pilotage or berthing of vessels, or the maintenance of navigation channels,

(iv) any postal, telegraph or telephone service, or

(v) any service of the Central Government engaged in, or in connection with the manufacture, repair, storage, inspection or distribution of ships, aircraft, vehicles, arms, ammunition or other stores or equipment of the armed forces, and

(b) 'strike' means a total or partial cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment.

3. Power to prohibit strikes in essential services.—(1) The Central Government may, if satisfied that public interest so requires, by notification in the Official Gazette, prohibit strikes in any essential service specified in the notification within such area and for such period as may be so specified therein.

(2) Upon the issue of a notification under sub-section (1),—

(a) no person employed in any essential service to which it relates shall go or remain on strike; and

(b) any strike declared or commenced, whether before or after the issue of the notification, by persons employed in any such essential service, shall be illegal.

4. Penalty for illegal strikes.—(1) Any person who commences or continues a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (1).

5. Penalty for instigation, etc.—Any person who instigates or incites others to take part in, makes any preparation for, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

6. Penalty for giving financial aid to illegal strikes.—Any person who knowingly expends or applies any money in direct furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

7. Effect of provisions inconsistent with other laws.—The provisions of this Act and of any notifications issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act 1947 (XIV of 1947), or any other law for the time being in force.

8. Repeal of Ordinance I of 1951.—(1) The Essential Services (Prevention of Strikes) Ordinance, 1951 (I of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS

In spite of the best efforts on the part of Government to meet the legitimate demands of labour to the maximum extent possible, the All-India Railwaymen's Federation have announced that they will launch a general strike on railways. It has come to the notice of Government that workers employed in other essential services may also go on strike either in sympathy with railwaymen or for other reasons. The interruption of railway communications as the result of a strike will seriously imperil the economic life of the country, affecting, as it will, the movement of imported food from the ports of landing to the scarcity regions in the interior, as well as the flow of other capital and consumer goods. A strike in the other essential services will also have serious consequences on the life of the people and the security of the country.

In order to safeguard the welfare and interests of the public at large against the consequences that might follow from the action on the part of the workers in certain essential services going on strike, Government have issued an Ordinance empowering them to prohibit strikes in any of the essential services therein specified. The Bill seeks to replace the Ordinance.

The Bill is an emergency measure and it has been provided that it shall remain in force only up to 31st December 1952.

N. GOPALASWAMI.

NEW DELHI.

The 1st August, 1951

M. N. KACH.

Secretary